

**ORDINANCE COMMITTEE MEETING  
TUESDAY, SEPTEMBER 8, 2009 @ 6:30 PM**

1. Charter Change – Section 51 Offices to become vacant under certain conditions
2. Chapter 80 and Chapter 269 – To transfer direction and control of the Water Department to the DPW under the supervision of the Superintendent of Public Works
3. Miscellaneous Traffic Ordinance
4. Minutes



**CHICOPEE CITY COUNCIL**  
**ORDINANCE COMMITTEE**

**ACCEPTED 10/13/09**

**MEMBERS**

James Tillotson, Chairman  
George Moreau, Vice-Chairman  
Donald Demers  
John Vieau  
Robert J. Zygarowski

**MINUTES**  
**September 8, 2009**

The following are the minutes of a public hearing held Tuesday, September 8, 2009 at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

**Members Present:** Tillotson, Moreau, Demers, Zygarowski (arrived 6:31), Vieau

**Also Present** Councilor Krampits, Councilor Brooks, Councilor Brunetti, Daniel Garvey (Associate City Solicitor), Stanley Kulig (DPW Superintendent), Alan Starczyk (Water Superintendent), Water Commissioners, Chris Nolan (Mayor's Office)

The meeting was called to order at 6:30 PM

**ITEM #1**

Ordered, that the City of Chicopee acting under the provisions of Massachusetts General Laws, and of any and every power and authority it thereunto enabling under its charter, hereby petitions the General Court as follows:

**AN ACT RELATIVE TO THE CHARTER OF THE CITY OF CHICOPEE**

The City of Chicopee hereby petitions the General Court for the following legislation. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same to amend the Charter of the City of Chicopee as follows

ADD the following to Section 52 of the City of Chicopee Charter entitled "Offices to become vacant under certain conditions." Any elected or appointed public officials shall be suspended from office upon the issuance of a criminal indictment or issuance of a criminal complaint charging the elected or appointed public official with any crime which arises out of their official duties.

- (i) During the period of suspension, the elected or appointed official shall not perform any official act, duty or function nor shall the elected or appointed public official receive any pay, allowance, benefit, emolument or privilege of office.
- (ii) If the elected or appointed public official is subsequently found not guilty or if the charge is dismissed which shall not include a continuation without a finding or nolo contendere plea, the suspension shall be lifted immediately and the elected or appointed public official shall be entitled to receive full back pay and such other allowances, benefits and emoluments as the elected or appointed public official would have been entitled had the suspension not occurred.
- (iii) Any elected or appointed public official shall forfeit his or her office upon the determination of any of the following:
  - a. Conviction of a criminal offense arising out of their official conduct or duties as an elected or appointed public official
  - b. A plea of guilty, continuation without a finding or nolo contendere to a criminal offense arising out of their official conduct or duties.

Dan Garvey stated that if the committee would like to move on this matter then he would suggest that the committee leave the matter is committee but forward a copy of the proposed language to the Attorney General's office to determine if it is constitutional.

Several Councilors stated that they see issues with this proposal because a person is presumed innocent until proven guilty. The other issue that Councilor had was with the language "official duty". Several Councilors stated that everyone could interpret that differently.

Councilor Zygarowski stated that this is worth pursuing.

Councilor Krampits stated that while the problems with the previous administration was an embarrassment to the city the city still functioned well. There was no disruption of services.

Committee vote 4 unfavorable 1 favorable. Voting unfavorably: Vieau, Demers, Moreau, Tillotson. Voting in favor: Zygarowski.

## **ITEM #2**

ORDERED THAT the City Council, Acting under the provisions of Massachusetts General Laws as amended, the City Charter, and any and every power and authority it thereunto enabling, hereby ordain the attached amendments to the Department of Public Works and Water Ordinances contained in the City Code. Whereas the purpose of this ordinance change is to transfer direction and control of the Water Department to the Department of Public Works under the supervision of the Superintendent of Public Works.

## CHAPTER 80 DEPARTMENT OF PUBLIC WORKS

### § 80-1 Establishment.

Notwithstanding the provisions of any general or special law or any ordinance, there shall be established a Department of Public Works.

### § 80-2 Superintendent of Public Works.

A. The Department of Public Works shall be supervised by a Superintendent of Public Works appointed by the Mayor and subject to confirmation by at least seven members of the Board of Aldermen.

B. The Superintendent shall be appointed for a term of five years.

C. The Superintendent shall be the head and have general supervision of the Department of Public Works.

D. The Superintendent shall have all powers and duties prescribed by this chapter.

E. The Superintendent may be removed for just cause by the Mayor, with the approval of seven members of the Board of Aldermen, after public hearing held by the Mayor, upon a seven-day notice, in writing, at the residence, preferably in hand, setting forth the cause and the time and place of hearing.

F. The Superintendent of the Department of Public Works shall not be a civil service position.

G. The Superintendent of the Department of Public Works shall be deemed to be a managerial and confidential employee as defined in MGL c. 150E and shall not be included in a collective bargaining unit or entitled to coverage under said chapter.

H. Qualifications shall include an engineering degree, preferably in civil engineering, with three to five years of management experience. The Superintendent shall be a registered professional engineer in Massachusetts (civil or related field).

### § 80-3 Functions of Department.

The Department of Public Works shall have all the duties, responsibilities, powers and function vested by general or special law or any ordinance in any of the following Departments, which are hereby abolished as separate entities: *Water*, Engineering, Parks, Flood Control, Cemeteries, Highway, Sanitation, Wastewater Treatment, Forestry and Central Maintenance Garage. Recreational programs will not be the responsibility of the Department of Public Works.

### § 80-4 Organization of Divisions.

A. The Department of Public Works shall be organized to include the following Divisions:

(1) Administrative Division: consisting of all managerial, business, and clerical functions of the office of the Superintendent of Public Works.

(2) Public Utilities Division: consisting of all water pollution control operations and flood control.

(3) Public Services Division: consisting of all street, sidewalk, and infrastructure construction and maintenance, integrated solid waste management operations, including solid waste pickup and recycling, DPW building maintenance, as well as any forestry services.

(4) Engineering Division: consisting of all engineering services required by the City.

(5) Parks and Cemetery Division: consisting of all parks and cemetery maintenance purposes.

(6) *Water Department: consisting of all managerial business required for the construction, repair, and maintenance of the water distribution system and its appurtenances owned by the City of Chicopee*

B.

The Superintendent may arrange the organization of the department functions, divisions, and groups as shall be necessary to most efficiently manage the personnel and equipment of the Department.

#### § 80-5 Powers and duties of Superintendent.

The Superintendent of Public Works shall:

A. Have the overall responsibility and shall supervise and direct all municipal public works projects, excluding those undertaken by the Electric Light Department.

B. Supervise, direct and control the construction, alteration, repair and maintenance of all City parks, playgrounds, cemeteries and public grounds, along with any structures or facilities on those grounds, except that all recreational programs and the setting of rules and regulations for the use of park grounds and apparatus shall not be a function of the Department of Public Works but rather shall remain a function of the Parks and Recreation Commission. All powers and duties previously vested in the Superintendent of Parks and Recreation relative to parks and cemetery maintenance shall hereby be assumed by the Superintendent of Public Works.

C. Supervise, direct and control all construction, alteration, repair and maintenance of public streets, roads, lanes, squares, sidewalks, bridges, sewers, storm drains and all appurtenances thereto. All powers and duties previously vested in the Superintendent of Streets according to Chapters 16, Art. IX; 230; 243 and 260 of the Code of the City of Chicopee shall hereby be assumed by the Superintendent of Public Works.

D. Have charge of the collection and disposal of all garbage, ashes, rubbish and other wastes. Wherever Chapter 169 of the Code of the City of Chicopee refers to "Superintendent," it shall mean Superintendent of Public Works. Recycling programs mandated under Chapter 223 of the Code of the City of Chicopee shall be under the supervision and control of the Superintendent of Public Works.

E. Supervise and direct the operation and maintenance of all water pollution control activities, including treatment facilities, pump stations, sewer collection system, and combined sewer overflow mitigation, as well as the City's pretreatment program.

F. Have full charge of the management and operation of the municipal flood-control system, which shall include supervision, repair and maintenance of dikes, pumping stations in connection with the dikes and all other machinery or equipment used in the care and operation of the dikes along the Connecticut River and the Chicopee River and any other dikes that are now erected or may be erected in the City.

G. Be responsible for and in control of all engineering services, examinations, plans, statements and specifications which may be needed by any department in the City in the discharge of its

duties. The City Engineer shall continue to be responsible for the duties specified in Chapter 28 of the Code of the City of Chicopee under the direction of the Superintendent of Public Works.

H. Supervise, direct and control all forestry services in the City, which services shall include the care, preservation and maintenance of all public shade trees, shrubs and growth in the City, including any removal, trimming or planting of trees as necessary.

I. Be responsible for and in control of all Department of Public Works purchasing, the solicitation of bids, inventory control and overall personnel management.

J. Supervise the work of all private contractors working on City property or pursuant to municipal authority.

K. Review plans and supervise construction of all municipal public works projects, including all federally financed and/or state-financed public works projects.

*(L) Supervise, direct and control all construction, alterations, repair and maintenance of the water distribution system, including all appurtenances thereto, owned by the City of Chicopee.*

#### § 80-6 Existing commissions.

It is the intent of this chapter that any and all commissions affected by this chapter would continue to exist, except that the Flood Control Commission shall be hereby abolished. In that regard, *the Water Commission*, the Parks and Recreation Commission and the Commissioners of the Fairview Cemetery, will continue to function as policy-making bodies and shall retain control and responsibility for any and all programs previously under their jurisdiction. These Commissions shall no longer be responsible for the repair, maintenance or construction of buildings, structures and grounds previously under their jurisdiction or for the employ of persons responsible for such repair and maintenance, *except as otherwise provided for by the City Charter.*

#### § 80-7 Transfer of Employees

*All persons employed by or under any formerly separate departments whose functions are consolidated under the direction and control of the Department of Public Works, shall be transferred to the Department of Public Works without loss of pay or change in rating, seniority privileges, retirement or pension rights or any other privileges under any provisions of law, ordinance or contract, except as a result, if any, of the consolidations which shall be approved by the Mayor and City Council. Subject to approval of civil service, job titles may be changed or eliminated based on the recommendations of the Superintendent of Public Works and upon approval of the Mayor and City Council. The Superintendent of Public Works shall be the appointing authority for all department employees except for the Superintendent of the Water Department whom shall be appointed or removed by the Board of Water Commissioners in accordance with the City Charter.*

#### § 80-8 Department heads.

A. The incumbent department heads whose functions are consolidated by this chapter shall, upon the effective date of this chapter, be transferred to the Department of Public Works and shall be subject to the direction and control of the Superintendent of Public Works and shall report to him. Subject to the discretion of the Superintendent, they may be assigned duties which correspond with their prior positions or they may be assigned additional duties in order to effectuate this chapter.

B. Under the direction of the Superintendent of Public Works, each department head (i.e., City Engineer, *Water Superintendent*, Park Superintendent, Wastewater Chief Operator) shall be deemed a Deputy Superintendent having control and authority over the division assigned to him/her. During the temporary absence or disability of the Superintendent, each Deputy shall exercise full authority over the division(s) under his/her control. The Superintendent may, by letter filed with the Mayor, designate a qualified member of the Department or other City official to perform administrative duties as required. In the event of the failure of the Superintendent to make such a designation, the Mayor may so designate such person to perform the administrative duties of the Superintendent until his return or his disability shall cease.

#### **§ 80-9 Succession from prior departments.**

No contracts, obligations or liabilities in force on the date when this chapter becomes fully effective shall be affected by its passage. The Department of Public Works shall in all respects be the lawful successor of all departments and commissions abolished under §§ 80-3 and § 80-6.

#### **§80-10 Superintendent of Water Department**

The Superintendent for the Water Department shall be appointed by the Board of Water Commissioners. The Superintendent of the Water shall be under the direction and control of the Superintendent of Public Works as a Department Head within the Division structure consistent with Section 80 of the Chicopee City Code and shall have the charge and care of all new construction or extension and of all repairs of the works of said Department. He shall have authority to dig up the streets and highways, so far as is necessary for the purpose of paving and repairing lines of water pipe or water mains; but in all such cases the streets, while so dug up, are to be suitably protected and guarded, and after the work is finished, the streets shall be left in a condition satisfactory to the Superintendent of Public Works. All defects in highways or streets caused by leaks in water mains or pipes shall be repaired by the Superintendent of the Water Department to the satisfaction of the Superintendent of Public Works. Upon receiving notice from the Chief of the Fire Department of any defective hydrant, the Superintendent of Public Works shall cause the same to be repaired without delay. The Superintendent of the Water Department should issue a news release to the newspapers and place information on Chicopee Cable TV Channel 5 notifying residents of any scheduled maintenance that would result in their water being shutoff.”

#### **§ 80-11 Superintendent of Water Department to act as Registrar**

The Superintendent of the Water Department shall act as registrar and shall keep such books and make such reports and perform such other duties as the Board of Water Commissioners or the Superintendent of Public Works may prescribe. He shall file with the City Collector and City Auditor on the first day of each month a list of water rents which are payable on those days, and on the first day of each month he shall file with the City Collector and City Auditor a statement of all water rents and other claims which may have become due to the city during the preceding month in his Department. Whenever any bill is abated or changed by the Board of Water Commissioners, a certificate of such abatement or change, signed by the Superintendent of the Water Department, shall be delivered to the City Collector and City Auditor and shall become his voucher for the amount therein stated.

#### **§80-12 Duties of Deputy Water Superintendent**

Whenever, by reason of absence, illness or other cause, the Superintendent of the Water Department is unable to perform the duties of his office, the Deputy Water Superintendent shall perform such duties under the direction and control of the Superintendent of Public Works and, when so doing, shall exercise all of the powers and assume all of the responsibilities of the office of the Superintendent of the Water Department.

### **§80-13 Duties of Water Department Engineer**

There shall be established the position of Engineer of the Water Department, who shall have charge of all records, plans and designs of the water distribution system, including all extensions and replacements. He shall make such reports and perform such other duties as the Superintendent of the Water Department, and the Superintendent of Public Works may prescribe.

### **§ 80-14 Authority to prescribe rules and regulations for the Water Department; Establishment of a Tariff**

The Board of Water Commissioners may prescribe rules and regulations for the use of water supplied by the city for domestic and other purposes and shall maintain and keep in force such a tariff of water rates as shall have been ordained by the City Council, printed copies of which rules and regulations and rates shall be furnished to all persons taking water of the city.

### **§ 80-15 Disposition of Surplus Receipts**

All surplus receipts of the Water Department shall be held in a reserve fund which can only be expended within the Department upon the request of the Board of Water Commissioners, the recommendation of the Mayor and the approval of the City Council.

### **§ 80-16 Responsibilities of contractors and Developers**

A. All contractors, land developers, subdividers, real estate operators and home builders of more than one (1) unit shall be required to provide and pay for construction, installation, testing and disinfection of consumer water mains, pipes, valves, hydrants and fittings in streets and ways as designed, specified and approved by the Superintendent of Public Works. Said contractors, land developers, subdividers, real estate operators and home builders shall supply all material as specified by the Superintendent of Public Works and equipment necessary for the installation of house service connections from the main in the street to a point in the cellar where the City Water Department connects its meter. The City Water Department shall install said house service connections at the expense of the contractor, land developer, subdivider, real estate operator or home builder.

B. The work herein required to be done by the contractors, land developers, subdividers, real estate operators and home builders shall pay for the time of an inspector designated by the Superintendent, and said work shall be subject to acceptance by the Superintendent of the Water Department.

C. The above-mentioned contractors, land developers, subdividers, real estate operators and home builders shall post a maintenance bond to guarantee maintenance of the system for a period of one (1) year from the date of completion and commencement of use, the amount of said bond to be ten percent (10%) of the cost of installation.

D. All above-mentioned water mains, etc., shall become the property of the City of Chicopee at the expiration of one (1) year from the date of acceptance.

### **§ 80-17 Use and Control of Hydrants**

A. All hydrants in the City of Chicopee shall be under the control, supervision and maintenance of the Water Department and the Superintendent of Public Works. No person, except the Chicopee Fire Department, for emergency use only, shall use any hydrant for any purpose, unless authorized to do so in writing by the Superintendent of Public Works. Any defects in

hydrants shall be reported forthwith to the Water Department, which shall correct said defect at once.

B. Any unauthorized use of a hydrant by anyone shall be prosecuted as a violation of this chapter and subject the offender to a fine of not more than fifty dollars (\$50.).

#### **§ 80-18 Water and Water Meter Rental Rates**

A. The Water Commission shall establish and maintain the tariff of water rates.

B. The Water Commission shall establish and maintain the water meter rental rates.

C. All charges or bills shall be due and payable forty-five (45) days after issued and charges or bills remaining unpaid after such due date shall be charged interest thereon at a rate of fourteen percent (14%) per year as provided in MGL C. 40, § 21E. If the last day of the forty-five-day period after issuance of the bill falls on a Saturday, Sunday or legal holiday, the account may be paid on the next regular business day thereafter without payment of the late payment fee, effective with bills rendered on or after January 2, 1990.

D. All water rates or water meter rental rates will be kept on file with the City Clerk.

#### **§ 80-19 Water Emergency**

A. The Mayor, with the Superintendent of Public Works and the Board of Water Commissioners, shall have the authority to declare a public emergency due to inadequate water supplies. The Mayor shall have the authority with the above to put a partial ban or total ban on outside water use which is deemed unnecessary. The announcement in the media shall include a listing of prohibited activities. A total ban shall be approved by the Massachusetts Department of Environmental Quality Engineering. Any person, firm or corporation violating any provisions of this chapter shall be subject to the following penalties:

(1) First offense: warning.

(2) Second offense: fine of twenty-five dollars (\$25.) and any court costs.

(3) Third offense: fine of fifty dollars (\$50.) and any court costs.

(4) Fourth offense: fine of one hundred dollars (\$100.) and any court costs.

B. A separate offense shall be deemed committed on each day on which a violation occurs or continues. Violations beyond the fourth day will receive a fine of one hundred fifty dollars (\$150.) per day plus any court costs. If a water emergency ban on outdoor use is terminated and another emergency declared later the same year, the first offense during the new emergency will be a warning.

C. The Police Department shall be the enforcing authority.

D. The Mayor shall designate the appeals officer and collector of violations of this chapter and any other details.

#### **§ 80-20 Cross Connection Control**

A. Purpose. The purpose of this section is to:

(1) Protect the public potable water supply served by the Chicopee Water Department from the possibility of contamination or pollution by isolating such contaminants or pollutants which could backflow or backsiphon into the public water system.

(2) Promote the elimination or control of existing cross-connections, actual or potential, between its customers in-plant potable water system and nonpotable systems.

(3) Provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

B. Authority. The authority for this section is:

(1) As provided in the Federal Safe Drinking Water Act of 1974, (Public Law 93-523), and the Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22, the water purveyor has the primary responsibility for preventing water from unapproved sources or any other substances from entering the public potable water system.

(2) The City of Chicopee, Board of Water Commissioners, Rules and Regulations, adopted

C. Responsibility. The Water Commission shall be responsible for the protection of the public potable water supply distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of the premises, the Commission determines that an approved backflow prevention device is required at the city's water service connection or as in-plant protection on any customer's premises, the Commission or its delegated agent shall issue a cross-connection violation form to said customer to install approved backflow prevention devices. The customer shall, within a time frame determined by the Commission, install such approved device or devices at his own expense, and failure or refusal or inability on the part of the customer to install said device or devices within the specified time frame shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

D. Definitions. As used in this section, the following terms shall have the meanings indicated:

**AIR GAP SEPARATION**

The method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood rim of the receptacle.

**APPROVED**

Accepted by the reviewing authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

**APPROVED BACKFLOW PREVENTION DEVICE OR DEVICES**

A method to prevent backflow approved by the Department for use in Massachusetts.

**ATMOSPHERIC VACUUM BREAKER**

An approved backflow device used to prevent backsiphonage which is not designed for use under static line pressure.

**AUXILIARY WATER SUPPLY**

Any water supply of unknown or questionable quality on or available to the premises other than the supplier's approved public potable water supply.

**BACKFLOW**

The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than the intended source.

**BACKFLOW PREVENTER WITH INTERMEDIATE ATMOSPHERIC VENT**

A device having two (2) independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere, in which the check valves are force loaded to a normally closed position and the venting means is force loaded to a normally open position.

**BACK PRESSURE**

Pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.

**BACKSIPHONAGE**

A form of backflow due to reduced or subatmospheric pressure within a water system.

**BAROMETRIC LOOP**

A loop of pipe rising at least thirty-five (35) feet, at its topmost point, above the highest fixture it supplies.

**COMMISSION**

The City of Chicopee Board of Water Commissioners or owner or operator of a public water supply system.

**CONTAMINANT**

Any physical, chemical, biological or radiological substance or matter in water.

**CROSS-CONNECTION**

Any actual or potential connection between a distribution pipe of potable water from a public system and any waste pipe, soil pipe, sewer, drain or other unapproved source.

**CROSS-CONNECTION VIOLATION FORM**

A violation form designated by the Department, which is sent to the owner by the water supplier with copies sent to the Department, plumbing inspectors and Board of Health delineating cross-connection violations found on the owner's premises and a procedure for corrective action.

**DEPARTMENT**

The Massachusetts Department of Environmental Quality Engineering.

**DOUBLE CHECK VALVE ASSEMBLY**

A backflow prevention device which incorporates an assembly of check valves, with shut-off valves at each end and appurtenances for testing.

**IN-PLANT PROTECTION**

The location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system and the potable water system within the premises.

**OWNER**

Any person maintaining a cross-connection installation or owning or occupying premises on which cross-connections can or do exist.

**PERMIT**

A document issued by the Department which allows a cross-connection installation.

**PERSON**

Any individual, corporation, company, association, trust, partnership, the commonwealth, a municipality, district or other subdivision or instrumentality of the United States, except that nothing herein shall be constructed to refer to or include any American Indian tribe or the United States Secretary of the Interior in his capacity as trustee of Indian lands.

**PRESSURE VACUUM BREAKER**

An approved backflow prevention device designed to prevent only backsiphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.

**REDUCED PRESSURE BACKFLOW PREVENTER**

An approved backflow prevention device incorporating two (2) or more check valves, an automatically operating differential relief valve located between the two (2) checks, two (2) shut-off valves and necessary appurtenances for testing.

**RESIDENTIAL DUAL CHECK**

An assembly of two (2) spring-loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

**REVIEWING AUTHORITY**

The Department, its designee or the local plumbing inspector, authorized by MGL C. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device.

E. Administration.

(1) The Commission will operate an active cross-connection control program, to include the keeping of necessary records, which fulfills the requirements of the State Department of Environmental Quality Engineering's cross-connection regulations and is approved by the Department.

(2) The owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the Commission's program and the Department regulations.

F. Duties of Commission and owner.

(1) Commission.

(a) On new installations, the Commission will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, and notify the owner of plan approval requirements by the appropriate reviewing authority.

(b) For premises existing prior to the start of this program, the Commission will perform surveys of the premises and reviews of as-built plans and issue a cross-connection violation form to the owner detailing any corrective action required, the method of achieving the correction and the time allowed for the correction to be made. The time period allowed shall depend on the degree of hazard involved.

(c) The Commission will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to ensure satisfactory operation.

(d) If the Commission determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

(e) The Commission shall have on its staff, or shall have a delegated representative, who is a backflow prevention device tester certified by the Commonwealth of Massachusetts.

(f) The Commission will begin initial premises inspections to determine the nature of existing or potential hazards, following the approval of this program by the Department, during the calendar year 1989. Initial focus will be on high hazard industries and commercial premises.

(2) Owner.

(a) The owner shall be responsible for the elimination or protection of all cross-connections on his premises.

(b) The owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross-connections and installation of backflow prevention devices, and applying annually for the renewal of each permit.

(c) The owner shall have any device that fails an inspection or test repaired by a licensed plumber.

(d) The owner shall inform the Commission of any proposed or modified cross-connection and also any existing cross-connections of which the owner is aware but has not been found by the Commission.

(e) The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must apply additional devices necessary to allow testing to take place.

(f) The owner shall install backflow preventers in a manner approved by the Department and the Commission.

(g) The owner shall install only reduced pressure backflow preventers and double check valve assemblies approved by the State Department of Environmental Quality Engineering.

(h) Any owner of industrial, commercial or institutional premises having a private well or other private water source must have a permit if the well or source is cross-connected to the

Commission's system. Permission to cross-connect may be denied by the Commission. The owner may be required to install a backflow preventer at the service entrance if a private water source is maintained even if it is not cross-connected to the Commission's system.

(i) The owner of any residential premises having a private well or other private water source will not be allowed a physical connection with the public water system.

(j) The owner shall be responsible for the payment of all fees for permits, device testings, retestings in the case that the device fails to operate correctly and second reinspections for noncompliance with Commission or Department requirements.

G. Degree of hazard. The Commission recognizes the threat to the public waste system arising from cross-connections. As such, the Commission, whereas it is responsible for the quality of the public water supply, may require a containment device on the water service entrance to any customer who, as a result of unprotected cross-connections, could contaminate the public water supply system.

H. Enforcement. The Commission shall not allow a cross-connection to exist with the public water supply system unless it is considered necessary and all appropriate approvals and permits have been issued.

I. Existing in-use backflow prevention devices. Any existing backflow preventer shall be allowed by the Commission to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure backflow preventer, or a reduced pressure backflow preventer must be installed in the event that no backflow device was present.

J. Periodic testing.

(1) Reduced pressure backflow preventers and double check valve assemblies shall be tested and inspected at least semiannually by the Commission.

(2) Periodic testing shall be performed by the Commission's certified tester or his delegated representative, who shall be a certified tester.

(3) The testing shall be conducted during the Commission's regular business hours. Exceptions to this, when at the request of the owner, may require additional charges to cover the increased costs to the Commission.

(4) Reduced pressure backflow preventers and double check valve assemblies must be tested annually by the owner, independent of the semiannual test by the water supplier, and said test must be conducted by a certified tester.

(5) Any backflow preventer which fails during a periodic test must be repaired or replaced by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the owner's expense to ensure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than fourteen (14) days after the test date will be established. The owner is responsible for spare parts, repair tools or a replacement device. Parallel installation of two (2) devices is an effective means of the owner ensuring that uninterrupted water service remains during testing or repair of devices and is strongly recommended when the owner desires such continuity.

(6) Backflow prevention devices will be tested more frequently than specified above in Subsection J(1) in cases where there is a history of test failures and the Commission feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the owner.

K. Records and reports.

(1) Records. The Commission will initiate and maintain the following:

(a) Master files on customer cross-connection tests and/or inspections.

(b) Master files on approved cross-connection installations.

- (c) Copies of lists and summaries supplied to the Massachusetts Department of Environmental Quality Engineering.
- (2) Reports. The Commission will submit the following to the Department of Environmental Quality Engineering:
  - (a) Initial listing of high hazard cross-connections.
  - (b) Initial listing low hazard cross-connections.
  - (c) Annual update lists of items in Subsection K(2)(a) and (b) above.
  - (d) Annual summary of cross-connection inspections and surveys.

The proposed changes highlighted in red were discussed.

Stanley Kulig stated that this proposed ordinance is organizationally and efficiently a good idea. He stated that when he became Superintendent in 1986 the Water Department was part of the DPW.

Councilor Brooks questioned what the cost saving is to the City by combining this department with DPW and what is the expense to relocate this department? He stated that the City can't afford to do this consolidation at this time.

Councilor Brunetti stated that he would like to see a list of pro's and con's.

Al Pinciak (Water Commissioner) stated that each previous Mayor has attempted to combine these two departments. He stated that under Mayor Lak the estimated cost to relocate the Water Department to the second floor of Baskin Drive was \$2.4 million. He stated where would the Water Department's pipe yard be located. Currently, all the pipes are covered and protected from weather. He also stated that when the Commissioners went for the budget hearing with the Mayor, the Mayor indicated that he is no longer going to pursue consolidating the two departments.

Mitchell Kuzdzal (Water Commissioner) stated that the proposed language has a lot of "may" and not "shall". He said the proposed ordinance has many ambiguities.

Alan Starzyk presented the committee with a copy of the Acts of 1892, Chapter 384 An Act to Authorize the City of Chicopee to Introduce a Public Water Supply. He questioned whether this Act supersedes City Ordinances.

Dan Garvey is to research the presented Acts to determine if there is a conflict with the proposed ordinance.

Councilor Tillotson requested that Chris Nolan forward to the Mayor a request to present the Council with the cost savings, cost of relocation, a timetable, and location of the pipe yard. This information to be available for the next Ordinance Committee meeting.

Motion was made to request information and to table the proposed ordinance. Motion passed.

**ITEM #3**

Minutes – August 25, 2009

Motion made to accept. Motion passed.

Meeting adjourned at 8:30 PM.